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March 24, 2025

***Via ECF***

Hon. Katherine Polk Failla, United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**MEMO ENDORSED**

Hon.

**Re: USA v. Justinas Butkus  
25-Cr-100 (KPF)**

Dear Judge Failla:

I represent Mr. Butkus in this matter. He has been indicted, and we are working towards scheduling an arraignment and conference before Your Honor.

Mr. Butkus has advised me that he will be representing himself in this case and is aware that the Court will likely conduct a *Farretta* hearing. Mr. Butkus resides in Alpharetta, Georgia, with his wife and newborn son. He is not working and has no income. In addition, because of the stressful conditions surrounding the birth of their son (Mr. Butkus' partner gave birth after he was released from court upon his initial arraignment), Mr. Butkus is responsible for taking care of his wife as well as his infant son.

Mr. Butkus has been released on bail, with home detention and location monitoring, among other requirements, and has been fully compliant with the conditions of his bail. He leaves his home only to help transport his wife and child to medical appointments and gives notice of each trip to his Pre-Trial officer. He has surrendered his passport, which is his primary means of identification (he has a Lithuanian drivers' license, which is not a recognized form of identification by TSA). In short, he is unable to travel. With that in mind, I am respectfully requesting that he be permitted to appear remotely for arraignment, conference, and the *Farretta*

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hearing. The Government consents to a remote appearance for the arraignment and conference, but objects to a remote appearance for any *Farretta* hearing.

In the event Your Honor requires Mr. Butkus to appear in person, I am respectfully requesting that you direct Pre-Trial to temporarily return Mr. Butkus' passport so that he can travel to New York.

Thank you for your consideration in this matter.

Very truly yours,

  
David K. Bertan

DKB

cc: AUSA Samuel Rothschild (Via ECF)

AUSA Shiva Logarajah (Via ECF)

The Court has reviewed the above letter filed by Mr. Bertan. From the Court's perspective, Mr. Bertan remains counsel of record until he is relieved by the Court.

The Court will permit the arraignment and pretrial conference to be held remotely, on **March 26, 2025, at 11:00 a.m.** It will be held via video conference with public audio access available at (855) 244-8681, access code 2315 780 7370. Instructions to video participants will be sent separately in advance of the conference. At that conference, the Court plans to discuss representation with the parties.

The Court does not presently intend to conduct any *Faretta* hearing remotely.

The Clerk of Court is directed to terminate the pending motion at docket entry 21.

Dated: March 25, 2025  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE